

*REMARKS/ARGUMENTS**The Invention*

The invention is directed to a library of adenoviral vectors, wherein each member of the library comprises (i) a first heterologous DNA encoding a vascular endothelial growth factor (VEGF), wherein the first heterologous DNA is common to each member of the library of adenoviral vectors, and (ii) a second heterologous DNA encoding a second gene product, wherein the second heterologous DNA varies between the members of the library of adenoviral vectors.

The Pending Claims

Claims 1, 3-5, 12, and 54 currently are pending.

The Amendments to the Claims

The claims have been amended to point out more particularly and claim more distinctly the present invention. Specifically, claims 1 and 54 have been amended to incorporate the subject matter of claim 9. Claims 6-11 have been cancelled. Accordingly, no new matter has been added by way of these amendments.

The Office Action

Claims 1, 3-6, and 12 remain rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent 6,447,768 (van Zonneveld et al.) (“the van Zonneveld patent”). Claims 1-6, 12, and 54 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the van Zonneveld patent. Claim 9 is objected to as being dependent on a rejected base claim (i.e., claim 1), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reconsideration of these rejections is hereby requested.

Discussion of Rejections Under 35 U.S.C. 102(e) and 103(a)

The Office Action maintains that claims 1, 3-6, 12, and 54 are anticipated by, and/or obvious in view of, the van Zonneveld patent. The Office Action also contends that the

subject matter of claim 9 is not taught nor suggested in the prior art. As such, claim 1 has been amended such that it corresponds to claim 9 rewritten in independent form. Similarly, claim 54 has been amended to recite that the first gene product encodes a VEGF. Claims 6 and 9 have been cancelled. Thus, the rejections under Sections 102(e) and 103(a) are rendered moot by the claim amendments.

Conclusion

The application is in condition for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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